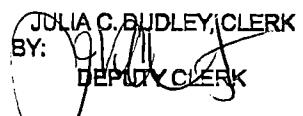


APR 17 2018

JULIA C. BUDLEY, CLERK
BY: 
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CEDRICK EURON DRAPER,)
Plaintiff,)
v.) Case No. 7:18cv00159
VICTOR S. SKAFF, III) By: Michael F. Urbanski
Defendant.) Chief United States District Judge

MEMORANDUM OPINION

Proceeding pro se, plaintiff Cedrick Euron Draper filed the instant complaint, seeking leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a)(1). Draper's complaint names one defendant, a Roanoke lawyer, and alleges breach of oral contract.

Federal courts are courts of limited jurisdiction, and the court has an independent obligation to evaluate sua sponte its subject matter jurisdiction over a claim. See Arbaugh v. Y&H Corp., 546 U.S. 500, 514 (2006); see also 28 U.S.C. § 1915(e)(2)(B) (district courts have a duty to screen initial filings and dismiss a complaint filed in forma pauperis at any time if the court determines that the action fails to state a claim upon which relief can be granted). Here, Draper states the court has federal question jurisdiction pursuant to 41 U.S.C. § 6503. But that statute governing government contracts has no bearing on this state law breach of contract claim. Thus, the court does not have jurisdiction over this matter under 28 U.S.C. § 1331. Nor is there diversity jurisdiction under 28 U.S.C. § 1332, as both parties appear to be citizens of Virginia and the amount in controversy is less than \$75,000. As it does not have subject matter jurisdiction over this action, the court must dismiss the complaint in its

entirety. Arbaugh, 546 U.S. at 514.

Accordingly, Draper's application to proceed in forma pauperis will be **GRANTED** and this matter will be **DISMISSED** and **STRICKEN** from the active docket of the court.

An appropriate Order will be entered.

Entered: 04-17-2018

/s/ Michael F. Urbanski

Michael F. Urbanski
Chief United States District Judge